

REMARKS

The Office had issued an Advisory Action on February 3, 2010, which was in response to Applicants January 15, 2010 response to the November 16, 2010 Final Office Action. The Office stated in the very last sentence of the February 3, 2010 Advisory Action that cancellation of claim 40 will result in the allowance of this application, in which claims 13-29, 34 and 35 were allowed.

For the sole purposes of expediting the allowance of this patent application, Applicants have cancelled claim 4 in addition to repeating all of the amendments submitted on January 15, 2010. Applicants have also amended claim 34 to remove non-elected subject matter.

Applicants preserve the right to prosecute all cancelled claims and deleted subject matter in continuing patent applications.

Objection to the Title of the Invention

The Office alleged, in the November 16, 2010 Office Action, that the title is not descriptive of the claims. Applicants respectfully disagree. All of the compounds disclosed and claimed in the instant application are P70S6 kinase modulators, as indicated in the title. In addition, the instant application also discloses methods of using the claimed compounds, as indicated in the title. Paragraph [0199] described what IC₅₀ values are (i.e., IC₅₀ is the inhibitor concentration at 50% enzyme inhibition). The compounds in the application have been tested for the inhibition of P70S6 kinase as measured by the P70S6 kinase IC₅₀ value assay described in paragraph [0200]. The P70S6 kinase IC₅₀ values for the claimed compounds are listed in Table 2. Since the definition of modulation includes inhibition (see paragraph [0011] of the instant application), the title is descriptive of what the claimed compounds are. Accordingly, Applicants respectfully request withdrawal of this objection.

Objection to the Abstract of the Disclosure

The Office, in the November 16, 2010 Office Action, has requested that a structural formula be included in the Abstract of the Disclosure. In response, Applicants have amended the Abstract of the Disclosure to disclose the generic compound of the first claim within the amended set of claims. Accordingly, Applicants respectfully request reconsideration and withdrawal of this objection.

Rejections under 35 U.S.C. § 112

The Office, in the November 16, 2010 Office Action, rejected claims 37 and 39-43 under 35 U.S.C. § 112, first paragraph, alleging that the specification does not reasonably provide enablement. The Office, in the November 16, 2010 Office Action, also rejected claims 37 and 39-43 under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. Applicants respectfully traverse these rejections.

For the sole purpose of expediting prosecution, Applicants have cancelled claims 37 and 39-43, thereby rendering these rejections moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of these rejections.

Claim Objections

The Office objected to claim 34 for reciting the non-elected subject matter at page 24 of the November 16, 2010 Office Action; however, in the Office Action Summary of that Office Action, the Office identified that claim 34 is allowed (see Disposition of Claims). The Advisory Action mailed February 3, 2010 also identifies claim 34 as allowed (see box 7.) Nevertheless, Applicants have amended claim 34 to remove the non-elected subject matter (e.g., entries 1, 17, and 47). Applicants respectfully request reconsideration and withdrawal of the claim 34 objection.

Applicants respectfully request that the present amendments and remarks be entered and made of record in the instant application. Withdrawal of the rejections and allowance of this patent application are respectfully requested. If the Examiner believes it to be helpful, the Examiner is invited to contact the undersigned representative by telephone at (312) 913-0001.

Respectfully submitted,

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